

Qwest's In-Region, Interlata Asset Parking Activities

The following is a list of activities engaged in by Qwest which clearly demonstrates that it has spent the last two years, *i.e.*, since it merged with USWest, doing nothing but parking its assets in preparation for the day when it receives 271 authority. In other words, it “sold” its in-region, interLATA customers and network to permit it to merge with USWest but it implemented the sale in a manner that makes it easy to get those customers back while at the same time making it difficult, if not impossible, for Touch America to service those customers or the network required to service those customers.

➤ Qwest Denies Access to In-Region, InterLATA Customer Information

- Qwest has denied Touch America independent access to customers and customer information, *i.e.*, access to historical customer information (in particular, the higher revenue customers), which, among other things, handicaps Touch America's customer care and, in the process, creating customer ill-will which it can be expected Qwest will take advantage of.
- Qwest provided Touch America with incomplete (or nonexistent) customer information. For instance, Qwest did not provide Touch America with product history, credits, service detail, product promotions or circuit information. It also provided incomplete batch reports of Touch America's ANIs; it prevented Touch America from viewing or manipulating circuit data but retained those rights for itself; and it limited Touch America's ability to print and review customer detail.
- Qwest withheld certain customer traffic revenues that belonged to Touch America and surrendered those revenues only as a direct result of Qwest's first annual 271 compliance audit. Qwest did not, however, and still will not (the second annual 271 compliance audit revealed additional revenues that Qwest withheld from Touch America), provide Touch America with any customer or circuit information corresponding to those revenues. As a result, Touch America cannot determine which customers were affected, if those customers are in Touch America's database or if they are being billed correctly.

➤ Qwest Retains Control Over Circuits Transferred to Touch America

- Touch America is denied access to the database for OC-48 circuits thereby preventing Touch America from monitoring and maintaining those circuits.
- Qwest has failed to follow processes necessary to designate Touch America as the customer of record for many transferred circuits owned by third parties, thus preventing Touch America from exercising control over these circuits. As such, Touch America cannot provision or disconnect the circuits nor can it obtain

information about the circuits from the third parties.

- Qwest failed to load information about transferred circuits into the Touch America licensed data bases, thus preventing Touch America from exercising control over those circuits.
- **Qwest Ensured its Continued Provisioning of Out-of-Region Transport to Transferred Customers Through its Billing System**
- Touch America is unable to run summary reports to analyze and verify Qwest bills.
 - Touch America must use manual processes to validate Qwest's bills to Touch America's customers as well as Qwest's bills to Touch America for access circuit and entrance facilities and Qwest's distribution of customer payments and circuit costs.
 - By configuring its billing system so that Touch America would be unable to bill transferred customers if it used a competitive provider, Qwest has required Touch America to use Qwest's out-of-region transport and termination services. (Qwest did not inform the Commission or Touch America of this configuration but represented to the Commission that Touch America was not required to purchase such services.)
- **Qwest Provides In-region, InterLATA Services**
- Qwest provides "lit capacity IRUs."
 - Qwest transports non-affiliate, "third party" in-region, interLATA traffic as "corporate communications" that does not qualify as official communications or incidental traffic.
 - Qwest is holding itself out as a full-service, nationwide telecom provider, including in-region, interLATA services, by marketing such services.
 - Qwest has used in at least one instance "bait-and-switch" marketing tactics to lure potential in-region, interLATA customers by giving the impression that it can provide a complete package of long distance services.
 - Qwest is marketing and providing in-region, interLATA voice services to end users using Voice Over Internet Protocol ("VoIP"), Voice Over ATM, and other advanced technologies.
- **Qwest Blocks Access to Databases and Switches**
- Qwest did not provide Touch America with the level of access and functionality to

the databases that are essential to reconcile circuit charges and revenues.

- Until approximately February 2002, Qwest denied Touch America operational control (full read and write access to certain in-region voice switches), that would have allowed Touch America to perform core activities associated with switch management. At the same time, Qwest was able to route its own traffic through the switches without paying Touch America for such usage. As a result, Touch America could not service its customers adequately and could not manage the traffic on its switched network thereby creating ill-will and the opportunity for Qwest to take advantage of that ill-will once it receives 271 authority.
- Qwest has abused its “super user access” to databases partitioned to Touch America by self-provisioning its circuits, changing rates to be paid by Qwest to Touch America and accessing information about Touch America’s customers.